



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,621	12/02/2003	Nelson A. Blish	83574ANAB	4973

7590

11/15/2005

Mark G. Bocchetti
Patent Legal Staff
Eastman Kodak Company
343 State Street
Rochester, NY 14650-2201

EXAMINER

RICHER, AARON M

ART UNIT

PAPER NUMBER

2676

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/725,621	Applicant(s) BLISH ET AL.	
	Examiner Aaron M. Richer	Art Unit 2676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1, 8, 9, and 10 are rejected under 35 U.S.C. 102(a) as being anticipated by ITSA Products.

3. As to claims 1 and 10, ITSA Products discloses a lenticular image comprising:

a first image of a first individual (p. 2);

a second image of a second individual (p. 2);

and a plurality of computer generated morphed images wherein each of said plurality of morphed images shows a progressive stage of morphing between said first individual and said second individual (p. 1-2, beginning and ending images are requested to generate morphs in between).

ITSA Products does not explicitly disclose that the first individual and second individual are related. However, there is no reason to expect that the invention of ITSA Products would not function if the two individuals being morphed were related. While the ITSA Products reference does not recite the intended use of making a "familial" image, ITSA Products would end up with the

Art Unit: 2676

same result as the claimed invention if images of related individuals were used as a beginning image and an ending image.

4. As to claim 8, ITSA Products discloses an image wherein rotation of said lenticular image causes said first individual to appear to transition to said second individual (p. 2, a morph between two individuals using a lenticular lens is disclosed).

5. As to claim 9, ITSA Products discloses an image wherein rotation of said lenticular image causes said second individual to appear to transition to said first individual (p. 2, a morph between two individuals using a lenticular lens is disclosed).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over ITSA Products in view of Burson (U.S. Patent 4,276,570).

8. As to claim 2, ITSA Products does not disclose an image wherein a software program resizes a second image of said second individual to approximately a size of said first image of said first individual. Burson, however, discloses a method of using computer software to align a standard map with an old face, and then resize a young face to match the standard map (col. 6, lines

Art Unit: 2676

31-37). The motivation for this is to make the faces “match”, so that the only differences detected are between faces, as opposed to scales of the pictures (col. 2, lines 5-13). It would have been obvious to one skilled in the art to modify ITSA Products to resize images prior to transformation in order to make sure differences were based on the actual faces instead of backgrounds as taught by Burson.

9. As to claim 3, ITSA Products does not disclose an image wherein a software program centers a position of said second individual in said second image to a relative position in said second image to approximately the same relative position of said first individual in said first image. Burson, however, discloses a method for transitioning between two faces that centers the faces (col. 6, lines 31-37; manipulating a “standard map” to line up map nodes reads on centering). The motivation for this is to make the faces “match”, so that the only differences detected between the faces are related to the actual person, and not just differences in the scales of the pictures (col. 2, lines 5-13). It would have been obvious to one skilled in the art to modify ITSA Products to center images prior to transformation in order to make sure differences were based on the actual faces instead of backgrounds as taught by Burson.

10. As to claim 4, Burson discloses an image wherein said positions are centered based on a relative position of said subject's eyes (col. 2, lines 43-51; eyes are included in the map used to center faces).

11. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over ITSA Products in view of Horii (U.S. Patent 5,850,463).

Art Unit: 2676

12. As to claim 5, ITSA Products does not expressly disclose an image wherein a background color in each of said images is standardized. ITSA Products does recommend the use of a constant background for better morphs (p. 2), giving the motivation for a standardizing method, but not teaching such a method outright. Horii, however, discloses a "facial image processing apparatus" which includes "a base background facial image" (col. 8, lines 45-60). It would have been obvious to modify ITSA Products to standardize the background as taught by Horii in order to better morph images as mentioned in the disclosure of ITSA Products above.

13. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over ITSA Products in view of Lipton (U.S. Patent 6,366,281).

14. As to claim 6, ITSA Products does not expressly disclose an image wherein morphing software generates additional images between said first and second image so that said first individual appears to transition *at a regular rate* from said first individual to said second individual. While a regular rate would normally be assumed for a morphing apparatus, it is not clear whether ITSA Products discloses this. Lipton, however, discloses a transition morph, that will generate a middle frame halfway between a beginning frame and an ending frame (col. 8, lines 39-44). The motivation for this is to produce a continuum of views (col. 4, lines 1-12). It would have been obvious to one skilled in the art to modify ITSA Products to transition a morph at a regular rate in order to produce a continuum of views as taught by Lipton. Because claim 7 is simply a repetition of

Art Unit: 2676

the steps of claim 6 for a second and third image, the above rejection applies to claim 7 as well.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M. Richer whose telephone number is (571) 272-7790. The examiner can normally be reached on weekdays from 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (571) 272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



AMR
11/7/05

MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600